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21 **MACY'S WEST STORES, INC.**

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23 UNITED STATES DISTRICT COURT

24 NORTHERN DISTRICT OF CALIFORNIA

25 SAN FRANCISCO COURTHOUSE

26 MIQUISHA STRAUGHTER, individually
27 and on behalf of all other similarly situated
28 current and former non-exempt employees
of Defendants in California,

Plaintiff,

v.

MACY'S WEST STORES, INC., and
DOES 1 through 100, Inclusive,

Defendants.

CASE NO.: 17-CV-01143 NC

**JOINT STIPULATION OF DISMISSAL OF
THIS ACTION WITHOUT PREJUDICE,
AND ORDER**

Ctrm: 7

Judge: Hon. Nathanael Cousins

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Attorneys for Defendant

MACY'S WEST STORES, INC.

Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, the parties to the above-titled action submit this JOINT STIPULATION OF DISMISSAL OF THIS ACTION WITHOUT PREJUDICE, as agreed in the Joint Statement Re: Case Status dated June 1, 2018 (Dkt. No. 54).

WHEREAS, on March 6, 2017, Plaintiff filed her Complaint for Declaratory Relief and Petition to Compel Class Arbitration as a class action pursuant to Rule 23(a) and 23(b)(1)-(2) of the Federal Rules of Civil Procedure on behalf of all similarly-situated current and former non-exempt employees of Defendant who worked within the State of California at any point from March 6, 2013 to the present, and who entered into arbitration agreements that contain class action waivers that preclude them from filing joint, class, or collective claims addressing their wages, hours, or other working conditions against Defendant in any forum, arbitral or judicial

WHEREAS, on May 21, 2018, the United States Supreme Court decided in *Epic Systems Corp. v. Lewis*, 584 U.S. ___, 2018 U.S. LEXIS 3086 (May 21, 2018) that arbitration agreements providing for individual arbitration proceedings are enforceable.

THEREFORE, the parties, by and through their counsel of record, hereby stipulate that this action be dismissed WITHOUT PREJUDICE, with each party to bear their own attorneys' fees and costs incurred in this action, notwithstanding the provision of Federal Rule of Civil Procedure 54(d).

Respectfully submitted,

Dated: June 11, 2018

GRAHAMHOLLIS APC

By: /s/ Vilmarie Cordero
Graham S.P. Hollis
Vilmarie Cordero
Attorneys for Plaintiff

1 Dated: June 11, 2018

THE MARKHAM LAW FIRM

2
3 By: /s/ Maggie Realin
4 David R. Markham
5 Maggie Realin
6 Attorneys for Plaintiff

7 Dated: June 11, 2018

MACY'S, INC. LAW DEPARTMENT

8
9 By: /s/ David E. Martin
10 David E. Martin
11 Attorneys for Defendant

12 Pursuant to Local Rule 5-1(i)(3), I, Vilmarie Cordero, attest that the other signatory
13 listed, and on whose behalf this filing is submitted, concurs in the filing content and has
14 authorized this filing.

15 /s/ Vilmarie Cordero
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ORDER

IT IS SO ORDERED THAT THE STIPULATION IS APPROVED.

Having read and considered the foregoing stipulation, the Court hereby orders that Plaintiff's Complaint be dismissed WITHOUT PREJUDICE. Each party will bear their own attorneys' fees and costs incurred in this action, notwithstanding the provision of Federal Rule of Civil Procedure 54(d).

Dated: June 11, 2018

